

#### Members

Rep. Scott Mellinger, Chairperson  
Rep. Ralph Foley  
Sen. Charles Meeks  
Sen. Anita Bowser  
Mary Beth Bonaventura  
Chris Cunningham  
Lance Hamner  
Marty Womacks  
Madonna Roach  
Joe Hooker  
Glenn Boyster  
Judge Thomas Ryan  
Sharon Duke  
Iris Kiesling  
David Matsey  
Craig Hanks  
Dave Powell  
Steve Cradick  
Jim Brewer  
Robert Chamness



## PROBATION SERVICES STUDY COMMITTEE

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Committee  
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Authority: P.L. 131-1998

### MEETING MINUTES<sup>1</sup>

**Meeting Date:** October 10, 2000  
**Meeting Time:** 10:30 A.M.  
**Meeting Place:** State House, 200 W. Washington St.,  
Room 128  
**Meeting City:** Indianapolis, Indiana  
**Meeting Number:** 4

**Members Present:** Rep. Scott Mellinger, Chair; Rep. Ralph Foley; Sen. Charles Meeks; Sen. Anita Bowser; Mary Beth Bonaventura; Chris Cunningham; Madonna Roach; Joe Hooker; Judge Thomas Ryan; David Matsey; Robert Chamness.

**Members Absent:** Lance Hamner; Marty Womacks; Glenn Boyster; Iris Kiesling; Craig Hanks; Dave Powell; Steve Cradick; Jim Brewer; Sharon Duke.

Representative Mellinger called the meeting to order at 10:15 am.

Minutes of the previous meeting were read and approved.

#### **Probation User Fees**

Representative Mellinger then recognized Jeff Bercovitz, Director of Juvenile and Family Law, Indiana Judicial Center. Mr. Bercovitz distributed a memorandum to the Committee members concerning some suggested changes needed for Indiana's Probation User Fee statutes. This memorandum is included as Attachment A to these minutes.

Representative Mellinger next recognized Mr. Eric Zimmerman, president of the Probation

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<sup>1</sup> Exhibits and other materials referenced in these minutes can be inspected and copied in the Legislative Information Center in Room 230 of the State House in Indianapolis, Indiana. Requests for copies may be mailed to the Legislative Information Center, Legislative Services Agency, 200 West Washington Street, Indianapolis, IN 46204-2789. A fee of \$0.15 per page and mailing costs will be charged for copies. These minutes are also available on the Internet at the General Assembly homepage. The URL address of the General Assembly homepage is <http://www.ai.org/legislative/>. No fee is charged for viewing, downloading, or printing minutes from the Internet.

Officers Professional Association of Indiana to speak. Mr. Zimmerman provided a memorandum to the committee members with suggested changes in statutes and salary increases for probation officers. These recommendations are included as Attachment B.

During a discussion with the committee members, Mr. Zimmerman made the following points:

- Allen County's collection rate for probation user fees was about 65% for adult felons and misdemeanants.
- In Allen County, offenders on probation do not go to jail if they fail to pay probation user fees.
- The starting salary for probation officers needs to be \$32,000 if the courts are going to attract qualified individuals. The current starting salary specified by the Indiana Judicial Center is \$21,500.
- Generally, it is assumed that the starting salaries for probation officers should be uniform across the state, as are the state salaries of trial court judges.

For next meeting, Rep. Mellinger asked staff for:

- The additional costs of increasing the salaries of probation officers; and
- Estimated additional revenue that would be generated by increasing probation user fees.

The committee then discussed how probation salaries are established and whether the counties are in compliance with the standards. Jeff Bercovitz explained that the board of the Judicial Conference determines the level of these salaries based on the recommendations made by the staff at the Judicial Center. Mr. Bercovitz indicated that almost all counties are in compliance with the salary standards set by the Judicial Conference.

Representative Mellinger then solicited responses from the members of the audience about how user fee collections are administered in their counties.

Robert Bingham, chief probation officer of Marion County indicated that the collection rate in Marion County is between 61 and 70%

Rodney Fetcher, Chief Probation Officer of Posey County told the committee that if offenders who are on probation are not able to pay, they participate in county work crews. He indicated that the collection rate for felons in Posey County is about 50%. He also told the committee that fees for juveniles are based on child support.

Wayne Shafter, Chief Probation Officer, Madison County, indicated that courts in Madison County do not have the court time to issue enforcement orders.

Judge Thomas Ryan, Allen Circuit Court, indicated that in Allen County, indigency is determined by federal poverty rates used for public defense assistance.

Karen Palmer, Juvenile Probation Officer for St. Joseph County, told the committee that St. Joseph County has a fiscal officer who uses child support guidelines to determine the level of the probation user fee. She reported a collection rate for juveniles of more than 50%.

Todd McCormick, Hendricks County Probation Officer told the committee members that the costs and time of collection efforts need to be compared to the fee revenue actually collected. He also indicated that the starting salary in Hendricks for a probation officer is \$24,000.

Eric Zimmerman, Chief Probation Officer of Allen County, told the committee that Allen County uses a collections specialist to determine the fees based on income and assets.

Judge Mary Beth Bonaventura, Lake County Juvenile Court, told the committee members that she uses a collections manager who also uses child support guidelines. She reported a 70% collections rate.

The concept of an annual fee assessment was also discussed. Katherine Hurd-Holtzleiter, Chief Probation Officer of Madison County, indicated that annual charges may be difficult to administer because offenders enter the program at different times of the year.

Judge David Massey, Starke Circuit Court, indicated that probation officers often spend additional time monitoring and providing programming for child molesters. He told the committee that these offenders should pay additional fees to recover some of the costs that they incur on probation programs. Judge Massey also indicated that courts need to have the power to make a wage order.

Representative Foley told the committee that both annual fees and unpaid fees should be reduced to civil judgments. He observed that several counties are already doing this. He recommended examining IC 35-50-5-3 and determining whether it needed to be changed.

Committee members and the audience then discussed the problems associated with increasing probation user fees. Ms. Hurd-Holtzleiter was concerned about the impact of the fee increases on the parents of juvenile probationers. She indicated that the parents generally have other program costs to pay as well. She questioned whether increasing fees will have an onerous effect on these families and whether this subverts the goal of assisting people to redirect their lives. Judge Bonaventura and Robert Chamness both observed that people on probation often have more discretionary income than they claim.

In the final comments about user fees, these members of the audience provided additional testimony:

Todd McCormick told the committee that Hendricks County has a monthly fee that ranges from a minimum \$6 per day to a maximum of one hour's salary.

Al Heanson, Chief Probation Officer of Vanderburgh County suggested that the committee examine a sliding scale.

Robert Bingham indicated that increasing the fees for misdemeanants is especially justifiable because some of the most challenging probationers are misdemeanants.

### **Probation Officer Salaries**

The next discussion item was the salaries of probation officers. Members of the audience indicated that the salary scale needed to be enhanced after the fourth or fifth year because many probation officers quit between the second and fifth year as probation officers.

### **Probation Officer Safety**

The next discussion item was probation officer safety. Members of the committee examined SB

75, 2000 which authorized probation officers to carry handguns. Eric Zimmerman told the committee that the Probation Officers Professional Association are not opposed to the concept but cautioned that local governments may be liable for injuries caused by probation officers who are not properly trained. He recommends that the committee make this a home rule.

The concept was passed 11 to 1.

### **Higher Education Benefits**

Next, the concept of allowing higher education benefits for the spouses and children of probation officers killed in the line of duty passed 12 to 0.

### **Other Business**

Finally, Representative Mellinger asked the staff attorney to report about the specifics of the contract between the Department of Correction and the county sheriffs concerning the \$35 per day that the state pays the counties for housing offenders in local jails.

The meeting was adjourned at 12:00.